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| APPLICATION NO.                                               | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
|---------------------------------------------------------------|-------------|----------------------|---------------------------------|-----------------------------|
| 10/708,247                                                    | 02/19/2004  | Robert M. Allen      | 1516.01                         | 2246                        |
| 21901                                                         | 7590        | 08/20/2009           |                                 |                             |
| SMITH HOPEN, PA<br>180 PINE AVENUE NORTH<br>OLDSMAR, FL 34677 |             |                      | EXAMINER<br>OYEBISI, OJO O      |                             |
|                                                               |             |                      | ART UNIT<br>3696                | PAPER NUMBER                |
|                                                               |             |                      | NOTIFICATION DATE<br>08/20/2009 | DELIVERY MODE<br>ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@SMITHHOPEN.COM  
anton.hopen@gmail.com  
ajhopen@yahoo.com

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/708,247 | <b>Applicant(s)</b><br>ALLEN ET AL. |  |
|                              | <b>Examiner</b><br>OJO O. OYEBISI    | <b>Art Unit</b><br>3696             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/26/09 has been entered. In the RCE filed on 05/26/09, the following have occurred, claims 1 and 16 have been amended and claims 1-21 are currently pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Wells et al (Wells hereinafter, US PAT: 6901387).

Re claim 1. Wells discloses a method of paying a merchant for a claim service provided to a claimant, the method comprising the steps of: receiving a request from a merchant by an administrator for a payment associated with a claim (see fig.7 element 702, i.e., selection of merchant and item to be purchase is inherently followed by a request from a

Art Unit: 3696

merchant for a payment); generating a claim identifier (see fig.7 element 704, see col.18 lines 1-17) ; generating a payment number having a predetermined limit amount and a predetermined expiration date (see fig.7 element 706); associating the claim identifier with the payment number using a processor (see col.3 lines 44-48); and transmitting the payment number from the administrator to the merchant for payment of the claim on behalf of the claimant (see fig.7 element 719) (see col.18 lines 1-64).

Re claims 2, 3. Wells further discloses the method of claim 1, wherein the claim is for a service rendered (i.e., sale transaction – purchase and delivery, see fig.7

Re claim 4. Wells further discloses the method of claim 1, wherein receiving a request from a merchant for a payment associated with a claim further comprises, receiving an estimated cost of repair from the merchant (estimated cost of repair would inherently be included in the purchase order that need to be settled by the client, see fig.7 elements 704-707).

Re claim 5. Wells further discloses the method of claim 1, further comprising providing verification that the request received from the merchant is covered under a contract associated with the claimant (see col.3 line 57-col.4 line 11).

Re claim 6. Wells further discloses the method of claim 1, wherein generating a payment number having a predetermined limit amount and a predetermined expiration date further comprises: receiving an estimated cost of repair from the merchant (estimated cost of repair would inherently be included in the purchase order that need to be settled by the client, see fig.7 elements 704-707), and authorizing the predetermined limit amount (i.e., authorization see col.4 lines 1-15).

Art Unit: 3696

Re claim 7. Wells further discloses the method of claim 1, wherein generating the claim identifier further comprises; identifying a contract number assigned to a claimant; generating a claim number (see fig.7 element 704); and associating the claim number with the contract number (the account summary shown in fig.9 of Wells clearly shows how these generated purchase order (claim number) are associated with the contract number (please see fig.9 of Wells).

Re claim 8. Wells further discloses the method of claim 1, further comprising after transmitting the payment number to the merchant for payment of the claim: tracking at least one merchant payment associated with the payment number; and associating the payment number and the claim identifier with the at least one merchant payment (i.e., In some embodiments, reversals or credits may also be tracked using features of the present invention. For example, if a merchant credits an account (e.g., for a returned item or the like), account management system 105 may operate to search for transactions associated with the limited use account identifier, the settled amount and/or with the merchant which are equivalent or near the amount of the credit. Once the original transaction is identified, the credit amount is associated with the original purchase order number and settlement details are provided to the client. In this manner, the client's accounting and/or purchasing systems can track purchases as well as returns or credits, see col.24 lines 12-30).

Re claim 9. Wells further discloses the method of claim 8, further comprising prior to tracking the at least one merchant payment: transmitting a merchant payment request; assigning an acceptance code to the merchant payment request; and associating the

Art Unit: 3696

acceptance code with the merchant payment (see col.3 lines 42-65)

Re claim 10. Wells further discloses the method of claim 1, further comprising:

requesting a load of funds equal to the predetermined limit amount; executing the load of funds; generating a confirmation of the load of funds execution; and reconciling the payment number and the claim identifier with the confirmation of the load of funds execution (see fig.7 element 722).

Re claims 11, 12-15. Wells further discloses the method of claim 1, wherein generating a payment number having a predetermined limit amount and a predetermined expiration date, further comprises selecting the payment number from a predetermined group of payment numbers (see col.3 lines 35-55).

Re claim 16. Wells further discloses a method of paying a merchant for a claim service provided to a claimant, the method comprising the steps of: receiving a request from a merchant by an administrator for a payment associated with a claim (see fig.7 element 702, i.e., selection of merchant and item to be purchase is inherently followed by a request from a merchant for a payment), the request further comprising an estimate for repair; verifying that the request received from the merchant is covered under a contract associated with the claimant (see col.3 line 57-col.4 line 11); establishing a predetermined limit amount for the repair (see fig.7 element 706); generating a claim identifier (see fig.7 element 704); selecting a payment number (see col.3 lines 35-55), the selected payment number having the predetermined limit amount and a predetermined expiration date (see fig.7 element 706); associating the claim identifier with the selected payment number using a processor (see col.3 line 44-48); transmitting

Art Unit: 3696

the payment number from an administrator to the merchant for payment of the claim on behalf of the claimant (see fig.7 element 719); providing funding for the predetermined limit amount associated with the selected payment number; tracking a transaction amount associated with the selected payment number (see col.13 lines 6-11); and reconciling the payment number and the claim identifier with the transaction amount (see col.9 lines 40-50, also see col.3 line 57-col.4 line 11).

Re claim 17. Wells further discloses the method of claim 16, wherein tracking a transaction amount further comprises, tracking a plurality of transaction amounts and reconciling the payment number and the claim identifier with the plurality of transaction amounts (see fig.7-fig.9).

Re claim 18. Wells further discloses the method according to claim 1, wherein the claim identifier uniquely identifies the received claim request (see col.18 lines 1-18).

Re claim 19. Wells further discloses the method according to claim 1, wherein the claim identifier is generated by the administrator of the claim (see col.18 lines 1-18).

Re claim 20. Wells further discloses the method according to claim 16, wherein the claim identifier uniquely identifies the received claim request (see col.18 lines 1-18).

Re claim 21. Wells further discloses the method according to claim 16, wherein the claim identifier is generated by the administrator of the claim (see col.18 lines 1-18).

### ***Conclusion***

Art Unit: 3696

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571)272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571)272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OJO O OYEBISI/  
Primary Examiner, Art Unit 3696